

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

MALLINCKRODT PLC,
MALLINCKRODT PHARMACEUTICALS
IRELAND LIMITED, MALLINCKRODT
HOSPITAL PRODUCTS IP UNLIMITED
COMPANY, and INO THERAPEUTICS
LLC,

Plaintiffs,

v.

AIRGAS THERAPEUTICS LLC and
AIRGAS USA LLC,

Defendants.

C.A. No. 22-1648-RGA-LDH

MEMORANDUM

The parties dispute what the judgment on the jury verdict should look like. (D.I. 558). I explain the basis for my edits to the proposed judgment.

I think the record is clear, based on the jury verdict and Defendants' on-the-record agreement with the procedure we followed at trial, that Plaintiffs have won the ANDA case.

I am not, however, going to enter an injunction with the jury verdict. In ANDA cases, I issue an opinion make factual findings and conclusions of law and I request the parties to submit a final judgment consistent with that opinion. I think I have always entered an injunction in the final judgment, but the next step after entering the final judgment in an ANDA case is an appeal, whereas in this hybrid case, the next step is going to be motions. Thus, I think it makes sense to hear the motions before entering an injunction. In addition, it seems to me that the issue of

injunctive relief is interrelated with the issue of the lump sum damages award for the life of the patents. On the surface, it seems like double-counting. Plaintiffs may have to make a choice between all the awarded damages and an injunction. I do not decide that today.

There is a minor dispute about the damages award on the “Sensor Drift Correction Patents.” I think the jury verdict award is for infringement of both patents. (D.I. 518). That does not mean that if (on JMOL) the verdict on one, but not the other, patent is vacated that the damages award necessarily has to be vacated. If that hypothetical comes to pass, the viability of the award should be assessed then.

IT IS SO ORDERED this 7th day of October 2025.

/s/ Richard G. Andrews
United States District Judge